REMARKS
UPON
Dr. *SHERLOCK'S* BOOK,
INTITULED, The
CASE
OF THE
ALLEGIANCE
DUE TO
SOVERAIGN PRINCES,
Stated and Resolved, *&c.*

LONDON,
Printed for *J. Humphries*, 1690.

REMARKS

UPON

Dr. *SHERLOCK's*

Case of Allegiance, &c.

HAVING lately perused *Dr. Sherlock's Reasons* (as the Book is commonly called) I cannot forbear imparting to you some very few Observations upon them, not *to shew my Skill,* Pref. p. 3. but to perform my Promise.

I observe in the First Place, That the Doctor thinks it *necessary to convince all sober Christians, That men may swear Allegiance to King* William *and Queen* Mary, *without renouncing any Principles of the* Church of England. Pref. p. 4. But I hope we were not in such a condition, as that

All Sober Christians stood in need of such a Conviction. And God forbid the Principles of the *Church of England* should be such, as not only to create in *all sober Christians*, a doubt whether they might swear Allegiance to the Present *King and Queen*; but should be so obscure in the matter, as that so Learned a Man as the *Doctor* is reputed, and so Wise a Man as he would be thought (*for he never gave any* Pref. p. 1. *just occasion to the World to mark him out for a fool*) should be at almost Two Years Pains to make a Reconciliation betwixt them, and the Duty of Sweating Allegiance to this present Government; upon the continuance of which the *Doctor* does more than once or twice acknowledge the Liberties and Religion of the Nation to depend.

Pref. p. 5. He confesses *he stuck, and should have stuck to this day, had he not been relieved by Bishop* Overal's Convocation-Book; *and had not the Venerable Authority of a Convocation, given him greater Freedom and Liberty of Thinking, which the apprehensions of Novelty and Singularity had cramp'd before*: How mean are we Lay-men in the eyes of these Gentlemen! Nothing that was done, said, or writ, at and after the Revolution,

tion, to justifie the Lawfulness thereof by the Laws of God and of this Realm, had any influence upon this *Clergy-man's* Judgment or Conscience, till he met with a new upstart *Convocation-Book*. Nay, his very Thoughts were in chains, till *the Venerable Authority of a Convocation*, gave him *Liberty to Think*. What the Lords and Commons did, the Consent of a Nation, the approbation of all Protestants abroad, the Interest of Religion and the Publick Weal, were not considerable enough to give this man a liberty to *think*; his *liberty of Thinking was cramp'd, till the Venerable Authority of a Convocation*, came and set him *him at liberty*. I wonder the less to find him in his Book, enslaving his Life and Liberty, to what, in a mistaken Notion, he calls *God's Authority*; since I perceive his very Thoughts are slaves to an Assembly of Ecclesiasticks.

He waves the matter of *Right*, is not concerned in *the Legality of the late Revolution*; * *to dispute the Right of Princes, is a thing which no Government can permit to be a question amongst their Subjects; such Disputes are needless in this Cause, and serve only to confound it, by carrying men into such dark Labyrinths of Law and History*, &c. *as very*

* But I hope all Subjects that believe it, may and ought to assert it. And upon occasion would, if they did believ it; else they lye on the lurch.

very few know how to find their way out of again. To judg truly of the legality of the late Revolution, requires such perfect skill in Law and History, and the Constitution of the English *Government, that few men are capable of making so plain and certain a judgment of it, as to be a clear and safe Rule of Conscience.*

Laymen think Laws and Constitutions of Governments to be *safe Rules of Conscience* in these Cases; and no such *dark Labyrinths* as the Mysteries of the *Holy Trinity and Incarnation*, the *Satisfaction of our Saviour*, the *Judge of Controversies*, &c. which yet are all as plain to the *Doctor*, as a Pike-staff; the *Scripture* and *Reason* are admirably clear in all these things; but the *Laws* of a Nation, and the *Constitution of its Government*, are a *dark Labyrinth*. *None are so blind as they that will not see.* Till some Proud, Ambitious Clergy-men, and Flattering Courtiers, either really or pretendedly ignorant of our *Laws* and *Constitutions*, set their own and other Mercenary Heads and Pens at work, to represent our Government in quite other than its own native Colours, out of a base Compliance with a Court that left no stone unturn'd, to overthrow it; till then,

then, I say, the Constitution of our Government was so well understood by our Forefathers, that they supported and asserted it from time to time, at a vast Expence of Blood and Treasure, and transmitted it down to their Posterity, as they had received it from their Ancestors, confirmed with all the Sanctions that the nature of the thing was capable of; nor were ever beholden to a *Foreign Prince* to preserve it, till now; nor needed to have had recourse to the *Prince of Orange* to assert their Liberties, if the overflowing of such *Bigottry* as this Gentleman is infected with, had not almost unmann'd the Nation, and prepar'd them for *Slavery*: And two ways were taken to effect it, the one, by persuading us, That we are Slaves by the Law of God; and the other, by representing our Government as being *absolute* in its Original Constitution; and that whatever Liberties the People claim a Right to, are either Concessions from the *Crown*, or Usurpations upon it. And because some ignorant People have been imposed upon by the misapplication of *Scripture* by the *Clergy*, and by misunderstanding and misapplying our Ancient

cient *Histories* and *Records*, and not thoroughly searching them neither, our Constitution and Fundamental Laws must now be represented as not clear, nor a safe Rule for Conscience; and therefore another must be set up instead of them, invented by a *Clergy-man* in his Study, directed in his Enquiry by a few of his own *Profession*, either ignorant of our Constitution, or profess'd Enemies to it, or both; and this Rule of Conscience not so clear neither, but that our Spiritual Guides are together by the ears about it, and the Learned Dr. *Sherlock* has been all this while finding it out: But found it he has: The Mountains have been in Labour, and behold the Mouse!

P. 2, 3. *God, when he sees fit, and can better serve the Ends of his Providence by it, sets up Kings without any regard to Legal Right, or Human Laws.*

Kings thus set up by God, are invested with God's Authority.

Subjects are bound to Obey, and to Pay and Swear Allegiance (if it be required) to those Princes whom God hath placed and setled in the Throne, when they are invested with God's Authority.

This

This is no new Invention of the *Doctor's*, nor does he pretend to it; he had it (it seems) from *Bishop Overal's Convocation-Book*. But Sir *Robert Filmer* broached it before that Book came out, in his *Patriarcha*; and that it will serve the turn of every *Usurper* is evident, nor does the Doctor deny it.

But that the possession of the Throne, and the actual Administration of a Government, creates a *Right*, the Doctor is positive in; not such a *Right* as shall Entitle a *King* to be what we poor Lay-men call a *King de Jure*; but to be *a Rightful King with respect to God*: And why so? Why, because *the most High Ruleth in the Kingdom of Men, and giveth it to whomsoever he will, and setteth over it the baseſt of Men. It is he that removeth Kings, and setteth up Kings. Shall there be evil in the City, and the Lord hath not done it? They are the Ministers of God. All Power is of God, the Powers that be, are ordained of God. I exalted thee out of the dust, and made thee Prince over my people Israel.*

Now I cannot understand the *Doctor's* Inference from such Expressions as these. That God Governs the World, and that all things come

come to pass by his Providence, I hope is past dispute. And that such expressions as these, are to be understood only of God's Ordinary Providence in the guidance of Human Affairs, will perhaps appear by the common style of *Scripture*, in ascribing all things of what kind or nature soever, natural or moral, good or bad, immediately (in words) to the first Cause. God is said to *instruct the Plowman in discretion, and to teach him*: *And that his skill cometh from the Lord of Hosts, which is wonderful in counsel, and excellent in working.* *So God filled* Bezaleel *with the Spirit of God, in wisdom, in understanding, and in knowledg, and in all manner of workmanship.* *Thunder* is said to be *the Voice of God.* *God hardned* Pharaoh's *heart.* *Is there evil in the City, and the Lord hath not done it?* So God sets up Princes, and removes them, by *the Events of Providence*: But that their Authority is derived immediately from God, or that they have, when setled in the Throne, any other *Authority* than what the Constitution of the Government allows, much less that they can have an *Authority from God*, in opposition to a *Legal Right*, I shall believe, when

Isa. 28. 26, 29.

Exod. 35. 31.

Job 40. 9.

when I see a Prince work greater Miracles than Curing the King's Evil, to Justify the delegation of such Authority.

The *Doctor*, throughout this Discourse, runs upon a notion of Mens Duty to *Princes only*, as if the Persons of Princes were the *sole Objects* of our Duty and Obedience; That is his πρῶτον ψεῦδος· and proceeds from his ignorance of the Nature of Human Laws in Political Governments. It is a notion that suits only with a Despotical Government, which is down-right Tyranny; nor has the Doctor an Idea of any other. And if he had not been invincibly prejudiced against the Truth, by the ignorance of his Education in things of this nature, that excellent Discourse of Mr. *Johnson's*, in Answer to his Book of *Non-resistance*, would have had another effect upon him than a scornful Reprinting of his own Book in Answer to it.

His second Section is taken up with proving from Bishop *Overal's* Book, That *though the Church of England has been very careful to instruct her Children in their Duty to Princes, to obey their Laws, and submit to their Power,*

and not to reſiſt, though very injuriouſly oppreſſed; *and that thoſe who renounce theſe Principles, renounce the Doctrine of the Church of* England; *that ſhe takes care to condemn all thoſe wicked means whereby changes of Government are made; yet ſhe teaches, that when ſuch changes are made, the Authority is God's, and muſt be obeyed.*

Here we learn, That if this be the Doctrine of the *Church of* England; then by the Laws of God, as the *Church of* England underſtands them, and teaches them to her Children, all the people of *England* are *Slaves*. For to be *injuriouſly oppreſſed*, is to be oppreſſed *contrary to Law*; *Executio Juris non habet injuriam*; No Man can pretend that he or any body elſe is injured, when the Laws have their courſe. But from *very injurious oppreſſions*, the true Sons of the *Church* of *England* have no redreſs, becauſe they muſt not reſiſt the *Authority* of *God*, which the *Prince Regnant* is inveſted with. Whatever the Conſtitution of the Government be, whatever Laws your Forefathers have provided for the continuance and preſervation of it; whatever *Legal Right* you may fancy you

you have to your *Lives*, *Liberties*, *Religion*, *Properties*; if you aſſert and defend this *Legal Right* in oppoſition to the *very injurious oppreſſions* of your *Princes*, who in a *Limited Government* (as yours is acknowledged to be) have but a *limited* Power by Law; yet in ſo doing, you oppoſe the *Authority of God*: And ſo your *Laws* are but Cobwebs; your *Legal Right*, an Imaginary Notion: Your Princes have an *Authority from God* to cancel your Laws, and diſpoſe of you and your Rights as they ſee Cauſe. Thus by the Doctrine of your *Church* (as this Gentleman repreſents it) you are in no better a condition, than if you were Subjects to the *Grand Seignior*.

Your Forefathers, (who fought for your Liberties, in oppoſition to the Tyranny of K. *John*, K. *Henry* the 3*d*. K. *Edw*. the 2*d*. &c. and who, if they had acknowledged ſuch an irreſiſtible Authority in their Princes, as the Doctor contends for, and had not vindicated the Government by force of Arms, you their Poſterity had long before now been in the ſame, or a worſe condition than the Peaſants of *France*) were all *Traytors* and *Rebels*, tho warranted by

the Laws of the Land to make oppoſition, nay, and ſworn ſo to do by the *King*'s own Commiſſion, as particularly in the Reign of King *John*, and King *Henry* the Third. This Notion of an *Irreſiſtible Authority* in your Princes, becauſe they have *God's Authority*, was not then hatch'd: nor did it appear in the World till the degeneracy of the Reformation brought it forth: For Queen *Elizabeth*'s Parliaments and Convocations were of another Opinion: as has been proved by many Inſtances of their giving her Subſidies to relieve diſtreſſed Subjects againſt their own Princes: and when *Sibthorp* and *Manwaring* broached thoſe Traiterous Poſitions in King *Charles* the Firſt his time, they were impeached in *Parliament*, and ſeverely cenſured for it. Yet notwithſtanding all, this Clergy-man will have it be the Doctrine of the Church; which if it were purſued, does unavoidably deſtroy the State; and therefore by his own Argument (*pag.* 44.) can be no good Doctrine; becauſe, if purſued, it would ſubject all Human Societies to be deſtroyed; whereas he acknowledges the End of Government to be the preſervation of Human Societies.

And

And he has the assurance to publish his Conceits of this kind, under a Government, that has been happily setled amongst us in opposition to, and in spight of these slavish Conceits of some of our Clergy. A Government, which those who contributed to erect, this Doctor brands with the loudest Calumnies: and yet under which he now seeks protection, and which he acknowledges now at last, being convinc'd thereof by the *Events of Providence*, to have the Authority of God, though introduced by the Devil.

But how does it follow, That this Doctrine of his must therefore be received as the Doctrine of the *Church of* England? because he finds it in *Bishop* Overall's *Book*. Do the *Canons* of a *Convocation*, neither assented to by *Act of Parliament*, nor so much as by the *King's Letters-Patents*, make, or authoritatively declare the *Doctrine* of the *Church of England*? Is the *Convocation* the Representative Body of the *Church of* England? (I know they tell us so in the *Canons* of 1603. But I never found that any but some few of the *Clergy* believed them) Has what he calls the *Church*, a power to determine matters of *Civil Right*?

Right? Are we to go to School to *Clergy-men* to learn the Terms and Meaſures of our *Duty* and *Allegiance* to *Magiſtrates*; which all Mankind, but a few of that Profeſſion in our own Nation, acknowledge to depend upon Human Laws, and the ſeveral Conſtitutions of Government, and which the body of our *Clergy* are ſo ignorant of, that they are a *dark Labyrinth* to them. *When the blind lead the blind, both ſhall fall into the ditch.* And yet his Argu-
Pag. 9, 10. ment drawn from the pretended *Canons* of that *Convocation*, *are as good Authority as can be urged to the Members of the Church of* England; *for if a Convocation cannot declare the Judgment of the Church of* England, *he knows not where we ſhall learn it.* So that the Members of the *Church of* England are to be guided in matters relating to their *Temporal Rights*, by an Aſſembly of their *Clergy*: Though even our Popiſh Anceſtors proteſted from time to time againſt the Authority of the See of *Rome in Temporalibus.* But I can tell him whence, and whence only he may learn the Doctrine and Judgment of the *Church of England* authoritatively; *viz.* in the *Articles* and the *Liturgy*, which have the publick Sanction of the

the *Legislative Authority*; not in his Spurious *Canons* of 1610, nor in those of 1640, nor yet in the *Homilies*, though appointed by Act of Parliament to be read in Churches; for so is the *Apocrypha*; and yet we do not submit to those Books as *Authoritative*. All other Writings are but the Opinions of private Men.

The rest of that Section consists of some Stories of *Jehu*, *Ahab* and *Jezebel*; The *Moabites* and *Aramites*, *Ehud* and *Eglon*, the Kings of *Egypt* and *Babylon*, the *Four Monarches*, *Alexander*, *Darius*, *Jaddus* and *Cæsar*. All which are no more to us, than if he had told us a Tale of *Tom Thumb*, or *Guy of Warwick*.

But it is no new thing for the *Clergy* to top Foreign Laws and Governments upon us; One of their *Canons* in 1603. is, *Quicunque in posterum affirmabit Potestatem Regiam non habere eandem Authoritatem in Causis Ecclesiasticis, quam Pii Principes apud Judeos & Christiani Imperatores in Primitiva Ecclesiâ obstinuerunt, &c. Excommunicetur ipso facto, &c.* Our King's Jurisdiction in matters *Ecclesiastical*, is setled and bounded by Laws of this Realm; and those Laws we look upon

on as the measure of their Authority. But *Clergy-men* make nothing of Human Laws, at least not of the *Laws of* England; But send us to the *Jews*, and to the *Romans*, to enquire what Authority their Princes had, and very boldly determine, under the penalty of *Excommunication*, That *Our Kings* have *eandem potestatem*: And yet they neither know what power *our Laws* allow to *our Kings*, nor what *their Laws* allow'd to *theirs*.

He grants, that *King's set up by God, have God's Authority*; and that *all Kings who are in the actual possession of the Government, are set up by God*: And therefore having *God's Authority*, *Allegiance* is due to them. So that he resolves the Duty of *Allegiance* into the Authority committed by God to the Prince; the committing of which Authority appears by the *Event* of *Providence*. For, *Providence is God's Government of the World by an invisible Influence and Power; the Ends of which he serves by overruling mens wicked Designs to accomplish his own Councils and Decrees, and either disappoints what they intended, or gives success to them, when he can serve the Ends of his Providence by their wickedness.*

Pag. 12.

But

But how shall Subjects judg when God serves the ends of his Providence by men's wickedness, and consequently *when their obedience becomes due to a new Prince? why, obedience is due to God's authority, when we can reasonably conclude that God has made him King.* That is, *when the Providence of God has settled him in the Throne. But there are different degrees of settlement, which require different degrees of submission.* The Doctor has gone hand in hand with Providence ever since the Revolution: *The generality of the Nation submitted to the present King and Queen, and placed them on the Throne, and put the whole power of the Kingdom into their hands, though it may be the Doctor could not think them settled by Providence,* whilest the late King *had such a formidable power as made the Event doubtful, yet because he thought fit to continue in the Kingdom, he could live quietly and peaceably, pay taxes, give them the title of King and Queen, and pray for them as such, because we are bound to pray for all that are in authority,* and that their Majesties had, *because they had power to do a great deal of good or a great deal of hurt. Here power to do good or harm*

p. 16.

p. 17.

p. 17.

is authority: And Thieves and Robbers have that. But it may be the King and Queen had *Gods authority* all this while, before the *Doctor* thought fit to own it by ſwearing Allegiance to them; becauſe he did not know they had it, *till the power of the diſpoſſeſſed Prince was broken, and no viſible proſpect of his recovering his Throne again.* So that men of the *Doctor's* opinion muſt watch till God has play'd his game out; before they can be aſcertain'd what his will and pleaſure is in theſe matters of obedience and ſwearing Allegiance to *Princes*: For the will of God, when known, is the rule of Conſcience. But the will of God in theſe caſes is no otherwiſe to be known but by the *Events of Providence.* So that men of ſuch Principles as this Gentleman repreſents to us for *Church of England* Principles, muſt ſtay til the Storm be over, and then they'l tell us 'tis fair weather. I cannot ſufficiently expreſs my indignation againſt men that can have the confidence to repreſent the *Church of England*, which is the body of the People of *England*, and who have a right to their *Properties*, *and Religion* as far

far as these words, *Right to Properties and Religion* can be extended, as a sort of men who must not stir their finger in opposition to a Prince that invades this Right all at once, upon a supposition that the Prince is invested with *God's Authority*; as if a man could act by *God's Authority* in opposition to the *Laws of the Realm*, and his own Oath to observe them, and cause them to be duly executed; as if Princes had any other *Authority* from *God*, then to *govern according to Law*: as if resisting a *Lawless Authority*, which is no Authority, were resisting the *Authority of God*; as a sort of men to whom the Laws and Religion of the Nation, upon which all that can be *dear* to us depends, must never owe any thing for their preservation, tho in the greatest extremities, so long as they are guided by *the spirit of their Church* (tho thanks be to Heavens a late Divine has furnished us with a distinction betwixt that and *the Spirit of God*); No, they must be quiet and suffer all to be trampled under foot by *God's Authority*, unless *wicked men* form *designs* against *God's Authority* to preserve the Authority of the Laws and the Profession of God's true Religion: So that the Dr. *Hickman*

beſt things that can be done in the World muſt be done by *wicked men*, and in oppoſition to *God's Authority*, or not be done at all. And all this while that the Church muſt ſit ſtill, the *P*rovidence of God is at work by means of the Devil and his Agents, *wicked men*, againſt his own authority, which a *K*ing that has a legall title, but exerciſes an illegall power, is inveſted with; *and herein conſiſts the unſearchableWiſedome of Providence that God ſerves his own Ends by theirWickedneſs.* It ſeems he can never ſerve his Ends by the Godlineſs of the Church; but muſt carry on Ends for their good, by the free Miniſteries of *wicked men.* All you *P*atriots, that with the hazard of your Lives and Eſtates ſtept into the gap to prevent *Popery* and *Slavery* coming in like a torrent upon Church and State, and who in ſo doing thought you did God good ſervice, becauſe your End was the preſervation of your own and your Countries Liberties, *P*roperties and Religion under a legal adminiſtration of the ancient *E*ngliſh Government, were all that while fighting againſt God, you were reſiſting the power ordain'd of God, and ſo doing you receiv'd to your ſelves damnation; and tho'

God

God has wrought a deliverance through your wickedneſs, no thanks to you; tho the Nation has conſented to what you have done by as univerſal a conſent as perhaps was ever heard of, this National conſent is but an indication that God has given the *King* and *Queen* his *A*uthority, but does not inveſt them with any *legal Right*, that remains in the diſpoſſeſſed *K*ing yet: So that you and the Nation have but been endeavouring to transfer what it is not in your power to transfer, viz. a *legal Right*: *A*nd you have transferred what you never intended to transfer nor ever acknowledged; viz. an *irreſiſtable Authority from God*: Dr. *Sherlock* has found out now what you were then doing, and ſees the conſequence of your *A*ctions, to your ſelves and all men elſe unknown. You aided the *P*rince and promoted the *E*nds of his Declaration, which were to deliver the Nation from *Popery* and *Slavery*, *ſo as it might never be in the power of any Prince hereafter to introduce either*: but D. *Sherlock* tells ye, that can never be done, for it never will be Lawful nor indeed poſſible to exclude *S*lavery: becauſe every *P*rince has God's authority, which is irreſiſtable, and I'm ſure he

he that is your *Prince*, and is by the *Law* of *God* irresistable, to him you are slaves by the *Law of God*. So that you have but changed Masters according to his principle, one of a rough temper for a more mild one: And all your security depends upon the good nature of your *Prince* for the time being.

I neither have leisure, nor if I had that, can I have patience, nor, if I had both, can I think it worth my while to run through the Book, and animadvert upon it *Paragraph* by *Paragraph*: For if it were much better written then it is, yet the writing of him, who slights and despises to that degree, that he does upon all occasions every man's reason but his own, and in this Discourse sets up an *Hypothesis* of his own for a Rule to men's Consciences in matters of Government, without any regard to the Laws of the Nation can hardly deserve so much regard as a serious answer would require.

p. 16. He tells us that *an Oath to the dispossessed Prince ceases* Cessante materiâ; *for though the man be still in being, the King is gone.* So that the Kingly authority may be transferr'd from one person to another

another; *But* then they that aſſiſt and defend the new Prince in oppoſition to the title of him that is diſpoſſeſſed, muſt (I hope) not for the future *abhor that treaſonable Doctrine and Poſition of levying War by the King's authority againſt his perſon*, &c.

He tells us *the Scripture makes no diſtinction between Rightful Kings and Uſurpers: The Rule is general*; let every Soul be Subject to the higher powers, *&c.* Nor does the Scripture define to us, who theſe higher Powers are: And I'm ſure they are not the ſame every where; In what perſon or perſons the Powers lodge, which here are ſaid to be ordain'd of God, and with what degree of Power they are inveſted, depends upon the ſeveral Conſtitutions of Governments; for if it be equally *reſiſting God's Ordinance* to Reſiſt *all Princes* without diſtinction; then I know no difference betwixt an *abſolute* and a *limited* Monarchy: then Princes have ſome dormant Authority or other, which the Law does not give 'em: Which are Principles of ſlavery peculiar to this laſt Age, and to ſome of the Engliſh Clergy. p. 17.

He

He will not have *St. Paul to be underſtood of lawful powers only, for then it would be neceſſary for Subjects to examine the titles of Princes, which would involve the Conſciences of men in perplexities; for theſe are diſputes amongſt learned men, and he cannot think that the reſolution of Conſcience in matters that all mankind are concerned in, ſhould depend upon ſuch niceties as learned men themſelves cannot agree in.* He will hardly allow this Poſition, with reference to matters of Religion, which yet I think all Mankind are or ſhould be concerned in. Nor ought a rule to be rejected upon a ſuppoſition that it is not clear, becauſe learned Men differ about it; unleſs at the ſame time a New One be ſet up, which all learned Men doe agree in. But the diſputes about Government are various, and that amongſt very learned Men; and yet to the beſt of my Obſervation, all Men hitherto learned and unlearned have agreed that the Laws of a Nation, and the Conſtitution of it's Government are at leaſt a ſafe, a true rule for Conſcience: which if we ſhall leave and follow ſome *Ignis fatuus* of a Schollar's Invention,

I know not whither it may lead us at last.

The Laws of a Nation may be trampled under foot and it's Constitution broken by an inundation of Foreigners; this is a force and a force gives no right, let the Doctor tell us to the world's end of *All things being equally rightful with respect to God*: men that are under a force, have a Right from Self-preservation, which is a Law of Nature and consequently of God to rid themselves of that force if they can. Conquests end, when the Conquerors and Conquered come to mutual Pacts and Agreements, which are the Laws by which they agree to rule and be ruled for the future. 'Till such subsequent Pacts intervene, the conquered People shift for themselves as well as they can: But where there is no pretence nor appearance of any Conquest, where the Laws of a Nation, which are the publick Agreement of all the nation for their mutual defence and security retain their force; they cannot be good subjects, who set up any other rule of conscience in matters of civil Right, Property or power: for that other rule is either

agreeable with the Law, and then we need it not; or it is contrary to it, and then they that advance it, are enemies to the Constitution. I know little difference betwixt assuming an authority to govern the State, and setting up other rules then that of the Law to guide men's Consciences by in matters of Allegiance and Obedience to the civil Magistrates.

pag. 21. *Our Saviour's argument relies wholly on possession of power*; whose Image and superscription hath it? If such a possession as having the *Coynage of Mony* requires *Allegiance*, the *Doctor* ought to have taken the Oaths when the new money came out. If not, then our Savior's argument does not *justifie* him now.

pag. 22. *We have no directions in Scripture about restoring a dispossessed Prince to his Throne again.* But if the *dispossessed Prince retain a Legal right*, then we are directed to restore him, *Rom.* cap. 13. *v.* 7. *Render unto all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour.* If the *late King* have a *legal right to the Crown*, he has a *legal right* to the *Excise*, the *Customs*, and *Hearth-money*, &c. And if he has a *legal right* to them, they are *due* to him.

him. And if they are *due* to him, we are commanded to *render them* to him. And that the *Late King* may yet have a *legal right* to the *Crown*, the *Doctor* agrees. *The Providence of God removes Kings and sets up Kings, but alters no* legal rights. We are commanded *to do as we would be done by*; and none of us would be deprived our selves of our own *legal rights.*

If the *Late King* have a *legal right* yet, then no *English* subjects can have a *legal Right* to oppose him; unless a man can have a *legal Right* to an *Estate*, and at the same time another have a *legal Right* to with-hold it from him; which is to make the *Law* a contradiction to it self; and yet these are the necessary consequences of the Doctors *Positions.*

That one Prince is at present placed in the Throne, and the other removed out of it, does not divest the dispossessed Prince of his legal right and claim, nor forbid him to endeavour to recover his Throne, nor forbid those, who are under no obligation to the Prince in possession, to assist the dispossessed Prince to recover his Legal Right: A Legal and successive Right bars pag. 26.

all other Humane Claims; ſo that the *diſpoſſed Prince* has a juſt cauſe of War againſt the *Prince in poſſeſſion* for the recovery of his *Legal Right*. And they that are under *no obligation to the Prince in poſſeſſion*, are not forbid to aſſiſt him: Who theſe are that are ſuppoſed to be under no obligation, *&c.* I know not. I hope if the Prince in poſſeſſion be *throughly ſettled*, he has *God's Authority*, and then all they that are his Subjects are under ſome *obligation* to him, or elſe *God's Authority* ſtands for nothing. But if foreign Princes are meant by *thoſe who are under no obligation*, then at leaſt the *King of France* has a juſt cauſe of War upon us to reſtore *King James*: And then at whoſe Doors muſt the Blood lie that is ſpilt in the War? If the *late King* have a *legal Right*, he has a *Right* by *our Laws*; and then in oppoſing his Title we fight againſt our own *Laws* and *Government*. If the *late King* have a *Legal Right* to the *Crown*, then a man muſt be very learned indeed to be of opinion that the obligation of our Oaths of Allegiance to him ceaſes. It is not enough for the *Doctor* to ſay, That *it was neceſſary for him to reaſon upon*

upon the ſuppoſition of unjuſt Uſurpations, and illegal Revolutions, &c. *and that he was far from intending to reflect upon the preſent Government. With Reverence be it ſpoken*, is a common ſaying with ſome, when they are going to ſpeak blaſphemy. His ſtanding out ſo long, the grounds of his preſent compliance, his avowed Principles in his Book of *Non-reſiſtance*, which he here juſtifies excepting in one *punctilio*, ſhew undeniably that the *Doctor* acknowledges no other *Right* in Their *Preſent Majeſties*, but an *Authority from God* of his own inventing; and that their only firm ſecurity, becauſe only ſatisfactory to the Conſciences of their Subjects, that of a *Legal Right*, which indeed is God's Authority, (and we acknowledge no other in theſe matters,) is by this Writer, as far as in him lies, quite blown up.

The duty of Subjects is to obey their Prince pag. *whilſt in poſſeſſion; but Kings muſt take care to preſerve their Crowns by good Government: For if they notoriouſly violate their Subjects Rights*, &c. *it is too much for Subjects to venture their lives and fortunes, to keep them in the Throne to oppreſs them.* But why ſhould not Subjects

jects be obliged in Conſcience to defend ſuch an injurious Prince? He has a *Legal Title*, *Poſſeſſion*, *a Settlement*, he has *God's Authority*, he is *irreſiſtable*, and has the *Soveraign Power*. And is it no part of *Soveraign Power* to command the ſervice of his Subjects? No, he is entituled only to a *le-*
pag. 30. *gal defence*, the *Militia*, and the *Poſſe Com.* Thus when men are at a pinch, they ſeek refuge where they can. When their Doctrine of *Non-reſiſtance*, and a thouſand other aſcriptions to the Power of the Prince turns upon them, they ſhelter themſelves under the *Law* of the Realm: Which when things go as they would have them go, they ſubject to the Prince's pleaſure: And to excuſe their taking ſhelter under what they have ſo baſely betrayed, they tell us thô they taught *Non-reſiſtance*, they may practice *Non-aſſiſtance* without foregoing that Doctrine. So they may ſuffer *the Lord's Anointed, the Light of their Eyes, and the Breath of their Noſtrils to be taken in the Pits of Wicked Men*, when he does not ſerve their turn, and be good Loyaliſts, good Church of *England* men, good King's men

for

for all that. *Quo teneam vultus mutantem Protea nodo?*

This Doctrine of Obedience and Allegiance to the present Powers is founded on the same principle with the Doctrine of Non-resistance *and* Passive Obedience. How the Doctor new moulds the Doctrine of *Non-resistance*, &c. to square with his *Hypothesis*, I am not concerned to trouble my self about. I cannot but wonder that any good stream should issue from so corrupt a Fountain, as that Doctrine (so as it was lately preached up and inculcated) proceeded from. But as that Doctrine was taught of late, the Argument must run thus, 'Because the late King 'Charles and King *James* had received a 'Soveraign Authority from *God*, which must 'be obeyed and not resisted, 'tho the latter 'be now *de facto* deprived of the exercise of 'that Authority by Rebellious Subjects, aid-'ed by a Foreign Prince, to accomplish their 'wicked enterprise, which does not divest 'the said late *King James* of a *Legal Right* 'to recover it again; Therefore I do 'swear Faith and true Allegiance to their 'Majesties King *William* and Queen *Mary*, &c. pag. 36.

The

I pass over many things that are so obvious, as not to deserve a particular Observation; as the contradiction he is guilty of in telling us, that *he could never find the Scriptures made any difference between Lawful and Usurped Powers*, and yet that *he stuck, and had stuck to this day, had he not been relieved by Bishop* Overall's *Book*; tho all the help that Book could give him, was by helping him over that distinction. *Oportet Mendacem esse memorem.*

Another thing is the New-coyn'd account he gives of a *limited Monarchy*, viz. that in a *limited Monarchy* we are bound *not to resist* only we are not bound to *assist*. The saucy introducing of private men's whimsies into Schemes of Government in opposition to Laws of Nations, and the common sense of Mankind, has been observed before. But let the *Doctor* here take notice of an Expression of a far greater Man than himself, which comprehends the true notion of a *limited Government*; *Ubi Rex summam potestatem non habet, sed partem alteram populus aut Senatus, Regi in partem non suam involanti vis justa opponi poterit, quia caterùs non est superior.* Grot. de jure Belli & Pacis.

He takes a great deal of pains to distinguish betwixt the present Case, and that of the late times under the *Long Parliament*, *Oliver Cromwel*, &c. and it is very observable how he gets over it upon his Principle. Why, the Government of the Nation was then quite overwhelmed; we had no *King*, nor *Lords*, and but *a part of the House of Commons*, who carried all *by force*. And what then, I hope *there were Powers* in *Being*; and if so, they were of

God,

God, tho usurped. *But there was not a Settlement.* I know not what he calls a Settlement; the *Highlanders* in *Scotland* were subdued, *Ireland* quite *reduced*, the Government then in being, such as it was, acknowledged by all the Princes and Governments of Christendom, nor was there then a Powerful Prince that waged War against the then Powers in behalf of the then dispossessed Prince. But the truth of the difference is this, *the then Powers were no friends to the Bishops.*

When men are once out of the right way, they wander in various By-paths; and so *the Doctor*, *Hobbs*, *Filmer*, &c. leaving the Law of the Land, which is an agreement betwixt all Subjects, and flying to other notions of *Power*, and *God's Authority*, and the *Law of Nature*, and no body knows what, may please themselves with the Wit and Novelty of their own Speculations, but I am perswaded will never find the Body of the People influenced by what such Learned must be at so much pains to find out, and dress up with any tolerable appearance of sense.

The Doctor is much concerned to free God from any confinement to Human Laws: But since he would not have men violate them, he ought (I should think) to shew that in taking the present Oaths he has not done it himself: Tho God is not confined to Human Laws, I do not know how the Events of his Providence can justifie men's breaking them, and their own former Oaths both at once. They that come into the interest of this present Government, upon the true Legal Foundation, upon

which it ſtands, have broken neither. But how entertain the Doctor's imaginary Hypotheſis of a Divine Authority, in oppoſition to a Legal Right which is to make the Government of Divine Inſtitution, and yet contrary to Law: How to make ſafe for King and People upon his Bottom, I kno not, nor ſhall enquire any farther.

God made man upright, but he hath found out many inventions.

To the Law and to the Teſtimony, if they ſpeak not according to this word, it is becauſe there is no light in them.

FINIS.